

Response to Restriction Requirement (with Traverse)
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Dated: December 23, 2008 Signature: /Kristin L. Murphy/
Electronic signature of Kristin L. Murphy

Docket No.: 66967-0036
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rolf Cremerius

Application No.: 10/562,650

Confirmation No.: 3827

Filed: April 11, 2006

Art Unit: 3727

For: PROCESS OF AND DEVICE FOR
MACHINING BALL HUBS

Examiner: L. D. Wilson

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the restriction requirement set forth in the Office Action mailed November 25, 2008 (Paper No. 20081123), applicant hereby provisionally elects Group I for continued examination, with traverse.

The Examiner has required restriction between the following to inventions:

Group I, claims 1, and 27-45, drawn to a process, classified in class 451, subclass 51;
and

Group II, claims 46-66 drawn to a device, classified in class 451, subclass 365.

Based on a review of the claims, Applicant elects Group I directed to claims 1 and 27-45, with traverse and without prejudice.

This application is a National Phase of a PCT application filed under 35 U.S.C. § 371, and is not an application filed under 35 USC § 111(a). Accordingly, with respect to national stage applications filed under 35 USC § 371, restriction practice under 35 USC § 121 is inapplicable. Instead, unity of invention is applicable in international applications and in national stage (filed under 35 U.S.C. §371) applications under PCT Rule 13 and 37 CFR § 1.475. Thus, restriction requirements are governed under the Unity of Invention standards, and the Examiner must clearly specify why the claims directed to different groups of inventions lack a common special technical feature. Indeed, under the applicable rules Unity of Invention exists when claims are directed to a common special technical feature.

MPEP §1893.03(d) explains that a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression “special technical feature” is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

The pending claims have a technical relationship that involves at least one common or corresponding special technical feature as set forth in independent claims 1 and 46. Indeed, these claims have at least the common inventive concept that: of machining at least one ball track and at least one guiding web simultaneously.

Indeed, in view of the significant overlap of technical features between the claims of Groups I and II, it is respectfully submitted that the Examiner will be required to search art not only related to Group I, but also to Group II as part of the analysis. Therefore, withdrawal of this office action is respectfully requested, and Applicant requests that all of the pending claims be examined at this time.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66967-0036 from which the undersigned is authorized to draw.

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Dated: December 23, 2008

Respectfully submitted,

By/Kristin L. Murphy/

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